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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DANIEL ET AL. Examiner: NGUYEN, V.  
Serial No.: 09/735,332 Group Art Unit: 3731  
Filed: DECEMBER 12, 2000 Docket No.: 1001.1351106  
Title: DISTAL PROTECTION DEVICE AND METHOD

**RECEIVED**

SEP 11 2002

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 CFR §1.137(c))

TECHNOLOGY CENTER R3700

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL799290733US, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 4<sup>th</sup> day of September, 2002.

By

*JoAnn Lindman*  
JoAnn Lindman

Dear Sir:

**Identification of Person Making This Disclaimer**

I, Glenn M. Seager, represent that I am the attorney of record for this invention.

**Identity of Assignee and Title of Disclaimant**

The assignee of this application is SciMed Life Systems, Inc.

09/06/2002 SSESHE1 00000113 09735332

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### **Extent of Disclaimant's Interest**

The extent of the interest in this invention that the Disclaimant owns is in the whole of this invention.

### **Disclaimer**

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of United States Patent No. 6,001,118 as presently shortened by any terminal disclaimer is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,001,118 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of United States Patent No. 6,001,118, as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fee Payment**

Attached is a check in the amount of \$110.

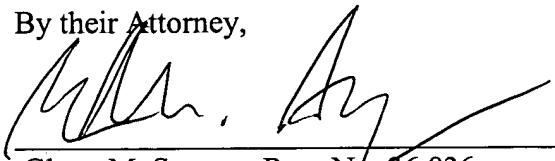
The Commissioner is authorized to charge any additional fees associated with this application or credit any overpayment to Deposit Account No. 50-0413.

Respectfully submitted,

JOHN M.K. DANIEL ET AL.

By their Attorney,

Date: Sept. 4, 2002



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